



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,742	01/05/2004	Michael K. Au	CA920030049US1	3098

7590 03/19/2007
John D. Flynn
IBM Corporation
Dept. T81/Bldg. 503
PO Box 12195
Research Triangle Park, NC 27709

EXAMINER

DUNHAM, JASON B

ART UNIT	PAPER NUMBER
----------	--------------

3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/751,742	Applicant(s) AU ET AL.	
	Examiner Jason B. Dunham	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/5/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The examiner notes that the two cited U.S. patents (6,058,417 and 6,415,320) , the foreign reference, and the non-patent literature cited in the IDS filed January 5, 2004 have been considered. However, the remaining three U.S. references appear to be missing a digit in the document number and it is unclear to which references the applicant refers. Therefore, these references have not been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6-9, 12-15, 18-19, 21-23, and 25 are rejected under 35

U.S.C. 102(e) as being anticipated by Haynes (US 2006/0218052 A1).

Referring to claim 1. Haynes discloses a method of creating a marketplace with hosted supplier stores comprising the steps of:

- Providing tools for creating and managing a hosted supplier store to each of a plurality of suppliers through a commerce site, said tools including a catalog

Art Unit: 3625

facility for uploading and managing a supplier catalog for said hosted supplier store (Haynes: abstract and figure 1);

- Receiving a plurality of supplier catalogs from said plurality of suppliers (Haynes: paragraph 18);
- Aggregating said plurality of supplier catalogs into an aggregated catalog (Haynes: paragraph 18); and
- Providing a buyer with access to said aggregated catalog on said commerce site (Haynes: paragraphs 17-18).

Referring to claim 2. Haynes further discloses a method including:

- Providing a supplier hub catalog topology (Haynes: figure 1 and paragraph 89); and
- Wherein said step of aggregating includes aggregating said supplier catalogs according to said supplier hub catalog topology (Haynes: paragraph 89).

Referring to claim 3. Haynes further discloses a method wherein:

- Said supplier catalogs include shared marketplace products and supplier specific products (Haynes: paragraphs 89-90);
- Said buyer access said aggregated catalog through one of said hosted supplier stores owned by one of said suppliers (Haynes: paragraph 48); and
- Said step of aggregating includes aggregating said shared marketplace products from all of said suppliers with said supplier specific products from said one of said suppliers (Haynes: abstract and paragraph 18).

Referring to claim 6. Haynes further discloses a method including the steps of:

Art Unit: 3625

- Providing said buyer with trading mechanisms for generating orders for items within said aggregated catalog (Haynes: paragraph 48);
- Developing requests for quotations for made-to-order items (Haynes: paragraph 59); and
- Negotiating contracts between said suppliers and said buyers (Haynes: paragraph 113). The examiner notes that an agreement is the same as a contract between suppliers and buyers.

Referring to claims 7-9, 12-15, 18-19, 21-23, and 25. Claims 7-9, 12-15, 18-19, 21-23, and 25 are rejected under the same rationale set forth above. Hayes discloses systems and mediums containing instructions with limitations similar to those cited in the rejection of claims 1-3 and 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5, 10-11, 16-17, 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haynes (US 2006/0218052 A1) in view of Flaxer (US 2003/0033218 A1)

Referring to claims 4-5. Haynes discloses all of the above as noted under the 102(e) rejection but does not expressly disclose a method including entitlement

Art Unit: 3625

information for buyers including pricing. Flaxer discloses a method for defining customizable subsets of a catalog including:

- Receiving contract data from one of said suppliers, said contract data including entitlement information for said buyer in relation to a product (Flaxer: abstract and paragraph 8); and
- Wherein the step of providing said buyer with access includes filtering said aggregated catalog based upon said entitlement information (Flaxer: paragraph 8).
- Receiving a buyer request for said product (Flaxer: abstract); and
- Wherein said step of filtering includes identifying hosted supplier stores offering said product, identifying eligible contracts within said identified hosted supplier stores, retrieving entitlement information from said eligible contracts, and applying said retrieved entitlement information, wherein said entitlement information includes pricing (Flaxer: paragraph 8).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Haynes to have included entitlement information for buyers including pricing, as taught by Flaxer, in order to allow for personalized pricing by the vendor to maximize profit (Flaxer: abstract).

Referring to claims 10-11,16-17,20, and 24. Claims 10-11,16-17, 20, and 24 are rejected under the same rationale set forth above. The combination of Haynes and Flaxer discloses systems and mediums containing instructions with limitations similar to those cited in the rejection of claims 4-5.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBD
Patent Examiner
3/89/07



YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600